

## REMARKS

### I. Introduction

Claims 1-27, and 37-42 are pending in the application, including independent claims 1 and 16. In the Office Action dated April 8, 2008, all the claims were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Pat. No. 6,042,606 ("Frantzen") in view of U.S. Pat. No. 6,464,720 ("Boatman"). In this amendment, claims 1 and 16 have been amended. Applicant respectfully requests reconsideration and withdrawal of the rejections in light of the amendments to the claims and the following remarks.

### II. The Proposed Combination Does Not Render Claim 1 Unpatentable

Independent claim 1 was rejected as being unpatentable over Frantzen in view of Boatman. As amended, claim 1 recites:

An expandable stent comprising: a plurality of serpentine ring structures, wherein at least one of said ring structures comprises a first key-hole shaped bend and a second key-hole shaped bend, said first and second key-hole shaped bends being disposed circumferentially adjacent to one another on the same ring structure and being longitudinally staggered with respect to one another, the first and second key-hole shaped bends thereby avoiding abutment of said first and second key-hole shaped bends against one another when said stent is in an unexpanded state, and a plurality of strut members, wherein each of said first and second key-hole shaped bends has a first end connected to one of said strut members and a second end connected to another of said strut members, said strut members extending from said key-hole shaped bends in substantially the same direction.

Frantzen and Boatman fail to teach at least these elements.

The Examiner argues that Figures 3 and 6 of Frantzen disclose all of the limitations of Applicant's claims except for the key-hole shaped bends. The Examiner also argues that Figure 2 of Boatman discloses key-hole shaped bends. However, neither Frantzen nor Boatman teach or suggest a first key-hole shaped bend and a second key-hole shaped bend being disposed circumferentially adjacent to one

another on the same ring structure and being longitudinally staggered with respect to one another, the first and second key-hole shaped bends thereby avoiding abutment of the first and second key-hole shaped bends against one another when the stent is in an unexpanded state, and wherein each of the first and second key-hole shaped bends has a first end connected to one of the strut members and a second end connected to another of the strut members, the strut members extending from the key-hole shaped bends in substantially the same direction, as recited in amended claim 1.

Frantzen is directed to a radially expandable surgical stent. As shown in Figures 3 and 6, ring structure includes a plurality of bends arranged in a symmetrical non-staggered configuration, that is to say the longitudinal or axial distance 22 between any two bends (e.g. bends 40 and 50, etc.) is identical. Thus, when the stent disclosed in Frantzen is compressed or collapsed, the struts extending away from each of the bends 40 and 50 are forced toward one another, thereby causing the circumferentially adjacent bends 40, 50 to abut one another. Because of their symmetrical configuration, the bends 40, 50 must contact one another to achieve maximum compression of the stent.

Because the combination of Frantzen and Boatman as contemplated by the examiner fails to teach or suggest a first key-hole shaped bend and a second key-hole shaped bend being disposed circumferentially adjacent to one another on the same ring structure and being longitudinally staggered with respect to one another, the first and second key-hole shaped bends thereby avoiding abutment of the first and second key-hole shaped bends against one another when the stent is in an unexpanded state, and wherein each of the first and second key-hole shaped bends has a first end connected to one of the strut members and a second end connected to another of the strut members, the strut members extending from the key-hole shaped bends in substantially the same direction, claim 1, and any claim that depends from claim 1 are allowable over the prior art of record.

### **III. The Proposed Combination Does Not Render Claim 16 Unpatentable**

Independent claim 16 was rejected under 35 U.S.C. § 103(a) as being obvious over Frantzen in view of Boatman. As amended, claim 16 recites:

a plurality of cylindrical, serpentine ring structures, wherein at least one of said ring structures comprises a first key-hole shaped bend and a second key-hole shaped bend, said first and second key-hole shaped bends being disposed circumferentially adjacent to one another on the same ring structure and being longitudinally staggered with respect to one another, said first and second key-hole shaped bends thereby avoiding abutment of said first and second key-hole shaped bends against one another when the stent is in an unexpanded state.

As discussed above in conjunction with claim 1, the combination of Frantzen and Boatman does not teach or suggest key-hole shaped bends positioned in a longitudinally staggered arrangement to avoid abutment of circumferentially adjacent key-hole shaped bends against one another when the stent is in an unexpanded state. For at least this reason, the combination of Frantzen and Boatman as contemplated by the Examiner does not render independent claim 16, or any claim that depends on claim 16, unpatentable.

#### **IV. Conclusion**

Applicant submits that the claims, as amended, patentably distinguish over the art of record. Applicant earnestly requests expedited consideration and allowance of this application.

Respectfully submitted,

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